



**IN THE
TENTH COURT OF APPEALS**

No. 10-14-00031-CR

ROBERT SCOTT SHEARER,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the County Court at Law No. 2
Brazos County, Texas
Trial Court No. 5054-A**

MEMORANDUM OPINION

In this matter, appellant, Robert Scott Shearer, appeals a County Court at Law judgment in a trial de novo pertaining to a speeding ticket. In a letter dated December 17, 2014, this Court questioned its jurisdiction in this case, especially considering that the underlying judgment did not appear to impose a fine or affirm a fine in excess of \$100. *See* TEX. CODE CRIM. PROC. ANN. art. 4.03 (West Supp. 2014). We warned appellant that this appeal would be dismissed unless a response was filed within seven days of our December 17, 2014 letter adequately explaining why this Court has

jurisdiction over this appeal. To date, appellant has not responded to our December 17, 2014 letter.¹

Under these circumstances, we conclude that the record demonstrates that appellant does not intend to pursue this appeal. Therefore, under our inherent authority, we dismiss this cause for want of prosecution. *See Ealy v. State*, 222 S.W.3d 744, 745 (Tex. App.—Waco 2007, no pet.) (citing *Peralta v. State*, 82 S.W.3d 724, 725-26 (Tex. App.—Waco 2002, no pet.)); *see also Evans v. State*, No. 10-09-00251-CR, 2010 Tex. App. LEXIS 546, at *3 (Tex. App.—Waco Jan. 27, 2010, no pet.) (mem. op., not designated for publication). This cause is hereby dismissed.²

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Dismissed
Opinion delivered and filed January 15, 2015
Do not publish
[CR25]

¹ In fact, throughout the process, appellant has only filed one thing with this Court—a motion for extension of time to file a late brief that has not yet been filed.

² A motion for rehearing may be filed within 15 days after the judgment or order of this Court is rendered. *See* TEX. R. APP. P. 49.1. If appellant desires to have the decision of this Court reviewed by filing a petition for discretionary review, that petition must be filed in the Court of Criminal Appeals within 30 days after either the day the court of appeals' judgment was rendered or the day the last timely motion for rehearing was overruled by the court of appeals. *See id.* at R. 68.2(a).

